



Bournemouth & District Law Society

NEWSLETTER: MAY 2020

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THE PRESIDENT'S COLUMN

When I prepared my column for the Spring Magazine, I had anticipated that it would be my last, and that Sandra Graham would have succeeded me as President at our AGM a few days ago. In reality, our AGM, Annual Dinner and Lecture Programme are all on hold. As with many of our member firms, the Society has had to consider what adjustments may be necessary to our events, our working practices and, indeed, our budget. Julie Reeves has consented to furlough for the time being, and the grace with which she has done so is a reminder of the qualities that she brings to the Society.



We have given some thought as to what role the Society should play to support its members and member firms. What we can offer, that other organisations cannot, is a community in which we can support each other and share information and experience. We can do so in a number of ways including staying in touch with interim newsletters such as this.



We have a LinkedIn group and if you are not a member now is an excellent time to join - <https://www.linkedin.com/groups/4374938/>

We will also be inviting all members to an online Zoom party in May. All are welcome and it will be an opportunity to check in and catch up. We will send out a link to join this meeting by email shortly. We also hope to organise an online quiz with the JLD towards the end of May. Our first webinar “Supporting Mental Health in the Covid:19 Pandemic” presented by Dorset Mind was “attended” by more than 50 members, and a series of property webinars by Ian Quayle is also proving popular. Mandy Heath at the BDLS Office is putting together a full webinar program to take us through May and into the Summer when we all hope restrictions will be eased and we can resume our Lecture Programme.

Our “office” remains open, albeit virtually, and both Mandy and I are available if you have any questions or concerns, or suggestions as to how we can be of further help and support. Please see the Contact details at the end of this Newsletter.

Mark Kiteley
President

BDLS DIARY 2020

Due to Covid-19, all BDLS events up to the end of June have been postponed. We will be rescheduling as soon as we have further information. Watch this space!

9 – 12 October **BDLS Overseas Conference to Luxembourg City**

BDLS TRAINING PROGRAMME - WEBINARS

Due to coronavirus, our face to face training has been postponed for the time being. However, we are pleased to be able to offer live webinars for BDLS members. So far, we have the following webinars confirmed:

Date and Time	Title	Lecturer
Thursday 14 May 11.30 – 12.30	Avoiding Negligence Claims and Client Complaints in Residential Conveyancing	Ian Quayle
Thursday 21 May 11:00 – 12:00	Commercial Leases and Coronavirus	Richard Snape
In the process of being arranged. Details will be emailed to members shortly:		
Thursday 11 June 14:00 – 15:00	Private FDRs and Family Finance Issues in the Current Climate	College Chambers
To be arranged	GDPR	Tracy Thompson
To be arranged	Private Client Webinar	Lesley King

Full details can be found on our website at www.bournemouthlaw.com/lectures You can either book online or email mandy@bournemouthlaw.com Please also email us if you have any suggestions for webinars.

COVID:19 - CHANGING THE DELIVERY OF TRAINING
Ian Quayle, Residential/Commercial Property Lecturer



The lockdown has had a huge impact on us all and will continue to do so. Whilst our attention is drawn to a variety of other more important issues, if you have any spare time, continuing professional development remains available. Many providers are using the lockdown as a means of providing legal training using a variety of platforms, with Zoom being incredibly popular.

As with the majority of the legal profession, the lockdown has decimated my diary. Face to face conferences and events have been cancelled or put back to later in the year and, of course, the problem is that no-one has any idea when lockdown will end, and normal service resumed.

Face to face events have in a lot of cases been replaced by webinars and I am delighted to say, despite my concerns and ignorance concerning IT and the various different platforms available for delivery, the transmission to distance learning has so far been painless. Further, a number of organisations, with Stewart Title at the fore, have been willing to sponsor webinars providing a welcome reduction in the cost of training. If you have had any doubts or bad experiences with webinars in the past. I would urge you to have a look at what currently is being offered.

The fact that I have not had to undertake my usual travel has given more time to research current legal issues for current conveyancing activity and to explore issues relevant for conveyancers when lockdown ends or the conveyancing market resumes.

The first of a series of webinars I have presented for Bournemouth and District Law Society concerned residential conveyancing in lockdown in which I explored –

- Government advice for clients, estate agents, and conveyancers
- When live transactions can be progressed – critical transactions, transactions where the target property is unoccupied
- Where contracts have been exchanged and completion set for a date within lockdown .

On this latter point I highlighted several important points –

1. The availability of the variation agreement generated by the Law Society
2. The need for caution in using the agreement given that it does not cover every situation.
3. Things to look out for within the variation agreement.
4. The need to ensure clients are made aware of the choices available to them such as varying the original contract using the variation agreement, agreeing a deferral, or proceeding to completion despite the current situation.

If you were unable to attend this first webinar, I can provide you with a set of my notes. Just email mandy@bournemouthlaw if you would like her to send these to you. I am reviewing my views and guidance as the lockdown continues and can provide you updates as and when they are available. In the meantime I would like to thank Mandy Heath for her assistance and Stewart Title for their support in connection with the first webinar on the 20th April.

Ian's next webinar, sponsored by Stewart Title, is:

Avoiding Negligence Claims and Client Complaints in Residential Conveyancing on Thursday 14 May 11:30 – 12:30

Please email mandy@bournemouthlaw.com or visit www.bournemouthlaw.com/lectures to book



Stewart Title Limited (www.stewarttitle.co.uk) has over 25 years' experience working with lawyers to provide cover for title problems. Cover can be provided by bespoke policies underwritten by our widely experienced and specialist Underwriters who can advise as to the availability of insurance for a whole range of title problems, both complex and otherwise. Where the defect is unusual or uncommon we can tailor a policy to meet client's requirements.

Online cover is available through our new intuitive, easy to use ordering system **Stewart Online Solution** (www.stewartsolution.com) which allows users to access policies for both residential and commercial properties providing cover up to £5,000,000.

We are always seeking to improve our service and the range of cover available. New policies introduced recently include a Japanese Knotweed policy, a Fraud

Solution Policy giving protection for conveyancers and their clients against the risk of sales by fraudulent sellers and a policy giving protection against forfeiture of long leases due to Ground Rent arrears.

Working closely with our colleagues in other jurisdictions, we can provide policies to cover properties in Scotland, Northern Ireland and throughout Europe. Stewart Title Limited is fully regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

LAWCARE



Difficult lawyer-client relationships

We are all experiencing a great deal of change and uncertainty at present and the legal profession is no exception. Some of us may be dealing with very distressed or angry clients who were in the middle of a life changing legal matter when COVID-19 hit and are now faced with a delay that could last months, having huge implications for their personal life, business and wellbeing.

The lawyer-client relationship can be complex. Clients are often looking for more than just a lawyer – you are there to listen, empathise and advise and are often asked to play the role of teacher, bank, counsellor, doctor, parent, psychiatrist, Samaritan, or even magician!

There may be clients you may think about a lot, who require a lot of time on the phone or email, you may start to worry about them and they can sometimes become a burden. There may be clients who will be furious that their life hangs in the balance and may take it out on you. Legal training often leaves the lawyer ill-prepared for these kinds of highly emotive situations.

Here are a few tips:

- Before you speak to the client, prepare. Visualise the client in your mind. Spend a few minutes putting on your imaginary armour reminding yourself that you have boundaries and work out what you want to say.
- Empathise and acknowledge their feelings.
- Have some stock phrases rehearsed in your mind:
 - “I can see how angry, sad, scared you are...I will do what I can for you as your lawyer but I am just not able to help with....”
 - “I wonder do you have anyone you can call when you feel like this?”

- If the client gets very upset, angry or overwrought give them breathing space. “I can see this is really tough, do you want to take a few minutes?”
- Sometimes just stay silent and give them the space to rage, weep or have their moan. They may just want to be heard.
- If a client becomes aggressive or abusive you do not have to stay on the call, let them know that you will speak to them later when they have calmed down.
- Try to finish by summarising what you have heard and what you plan to do next.
- If you are concerned for their wellbeing, give them the Samaritans number or any others that you think might be useful. Don't ever give them your personal mobile.
- Have a debrief with a colleague if you have had a particularly stressful conversation – it helps to reflect and share your experiences.
- Remember this is a worldwide situation that is completely out of your control and you can only do your best to help the client.

If you need to talk about a particular difficult client relationship call LawCare on 0800 279 6888, email support@lawcare.org.uk or visit www.lawcare.org.uk



You might like to check out **Fit for Law**, a cross-jurisdictional **free** learning resource on **emotional competence and professional resilience**, developed for legal professionals by The Open University and The University of Sheffield in collaboration with LawCare. Find out more at www.fitforlaw.org.uk

BCLS LITIGATION AND DISPUTE RESOLUTION SUB-COMMITTEE



Court user co-chair report

Court users have seen massive changes to their ‘Court use’ over the last several weeks, and the courts and MOJ have issued many guidance notes and updates. Your court user committee have been busy endeavouring to stay on top of these and circulate them as needed. Knowing what to expect from the court at this time is something of a moveable feast and we will continue to strive to keep you updated. The writer recommends the HMCTS subscribed update service for regular bulletins and updates. My summary relates mostly to the family side of court use.

The Family Court guidance of late emphasises that when, how or even if a hearing takes place under the current restrictions is a matter for judicial discretion. What has become clear over the last several weeks is that far from offering a complete service through remote hearings, that is neither possible nor sensible for many cases for a wide variety of reasons not all of which relate to the shortcomings of for example video conference for the purposes of live evidence of witnesses. It is acknowledged that there are issues with the use of technology for litigants in person and further that the demands conducting these hearings place on the judiciary and practitioners has perhaps been underestimated. Financial cases have been effectively dropped from the court lists widely and many of those cases seem to be now on hold pending the resumption of hearings in a more ‘normal’ environment combined with the ability to have property valuations etc which form such a large part of the work we do.

For most family practitioners the changes are very substantial and far reaching in terms of the type and volume of work they are now tasked with. Staying in touch with each other through phone and video calls is proving an invaluable way to both stay in touch and maintain the excellent relations we enjoy as a region.

I send my best wishes to all the court users. The committee remains available to provide additional guidance and signposting for court users during these difficult times

Emma Hamilton-Cole
Co-Chair, BDLS Litigation and Dispute Resolution Sub-Committee

SBA, THE SOLICITORS' CHARITY



SBA The Solicitors' Charity has developed a unique COVID-19 Personal Hardship Fund to support solicitors who find themselves in personal hardship caused by the pandemic. The charity has committed to initial funding of £1,000,000. The fund will help solicitors that find themselves financially in need due to COVID-19.

Full details on the fund and how to apply can be found on the charity's website. In addition, you can access the COVID-19 Support Hub. Here you can find up to date information and resources to support you during the outbreak: <https://www.sba.org.uk/covid-19/>

COUNCIL MEMBER'S REPORT



As a consequence of the Covid-19 emergency, all meetings of the Law Society Council are suspended. At the last meeting in February the Council concerned itself with:

- Fire at Chancery Lane. As widely reported in the press and ITN news a major fire broke out in the roof of 114 Chancery Ln (Grade 11 offices owned by the Society adjoining the Grade 11* Law Society Hall) at 11.00pm on the 1st February. The catering and Law Society staff evacuated the building which had seen a no-alcohol Dinner for the Junior Lawyers Division earlier. Twenty five fire appliances and 150 firefighters tackled the fire for nearly eleven hours and managed to prevent it spreading to the Law Society Hall. An arial ladder pumped water onto the roof of 114 which collapsed. Neighbouring residents were evacuated overnight and roads were closed. Two floors of Law Society offices at 114 were gutted along with their contents, a staircase and the roof. An electrical fault is said to have caused the fire. The Society is fully insured.

- The Chief Executive, Paul Tennant, reported to Council that the Society's disaster recovery plan enabled the Hall to reopen early the following week. The historic public rooms at 113 were saved owing to the courage and skill of the fire service working at night in arduous conditions in a maze of small corridors, staircases and offices. A letter of gratitude has been sent to the Commissioner of the London Fire Brigade.
- Incorporation of the SRA. Council agreed to change the legal status of the SRA from an operationally independent subsidiary Board of the Council to an operationally independent limited company 100% owned by the Law Society. In commending the proposal the President Simon Davis said that it would assist in meeting anticipated concern in the final report of the Mason review of the regulation of legal services that the relationship between the Society and the SRA was so problematic as to require fundamental reform. (voted; for 68, against 6, abstention, 3.)
- Economic value of the profession. Research commissioned from KPMG reported that the legal sector contributed £60bn to the economy and employed 550,000 people. The largest ever legal needs survey commissioned by the Society reported that 65% of respondents had experienced a legal problem in the last four years. Solicitors were the most trusted legal professional with a 85% satisfaction rate. Over 28,000 people took part in the survey and the results have been shared with the Legal Services Board and its consumer panel.
- The Law Society Art Group held its sixtieth anniversary exhibition in the Reading Room. A selection of portraits, landscapes, nudes and sculptor was on display produced by amateur artists from amongst the membership.

Tim O'Sullivan
Council Member

SITUATIONS VACANT

BDLS PRESS OFFICER – VOLUNTARY POSITION

The Society's Press Officer's position is to liaise with the publishers of local papers and periodicals including the Bournemouth Echo, Dorset Magazine etc. sending over articles and photos from our events. From time to time they may be approached to give the Society's view by on certain matters by local radio.

The aim of the position is to raise the profile of the Society so that members of the public know about us and can see that we are an active Society.

The position also requires attendance at 6 committee meetings a year.

This role would be suitable for someone who has an interest in the Society and in writing short articles.

Is this you? If so, please email Mark Kiteley, BDLS President. Email: mark.kiteley@rawlinsdavy.com

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